

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:09CV75-MU-02

LARRY ROGER AYSCUE, JR.,)
 Petitioner,)
)
 v.)
)
(FNU) HAYNES, Supt. at Warren)
 Correctional Institution,)
 Respondent.)

)

ORDER

THIS MATTER comes before the Court on Petitioner's request to proceed in forma pauperis with his Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, submitted June 29, 2009.

By his request, Petitioner represents that he is indigent and has no funds to pay the \$5.00 filing fee for this action. However, Petitioner neglected to submit a certified copy of his inmate trust account statement to verify his lack of resources. Due to that omission, the Court cannot determine if Petitioner, in fact, is indigent. Therefore, his request must be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. No later than twenty (20) days from his receipt of this Order, Petitioner must remit the \$5.00 filing fee. **Failure to remit the subject fee will result in the summary dismissal of Petitioner's case.**

SO ORDERED.

Signed: August 6, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

